

REMARKS/ARGUMENTS

Applicants have carefully reviewed the Office Action mailed on June 4, 2007. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. Claims 1-46 remain pending, of which claims 33-46 have been withdrawn from consideration. Claims 1, 6, 9, 14, 17, 22, 25, 30, and 33 have been amended. Support for the amendments is found in the specification, claims, and drawings as originally filed. No new matter has been added.

Interview Summary

Applicants thank the Examiner for the phone interview on August 20, 2007. Structural differences between the invention and Golds was discussed, and claim language distinguishing Golds was discussed.

Rejections Under 35 U.S.C. §102

Claims 1-3, 5, 6, 8-11, 13, 14, 16-19, 21, 22, 24-27, 29, 30, and 32 are rejected under 35 U.S.C. §102(b) as being anticipated by Golds (US 6,312,458 B1). Independent claims 1, 9, 17, and 25, as amended, recite, in part, "a thermoplastic polymer tube". Golds does not appear to teach such a structure. The Examiner asserts that Golds teaches a thermoplastic polymer sleeve, referring to element 20. Applicants submit that Golds appears to teach a thin polymer tape-like structure, which is structurally different from a tube, as is recited in the independent claims. Golds teaches:

The present invention provides a securement member 20 which is most preferably a flat, thin suture. Tape, thread, ribbon, or other elongate members may also be used. The securement member may be formed of a variety of materials. Securement member 20 is preferably less than 0.60 mm wide.

Emphasis added; see column 5, lines 59-64, and FIGS. 4 and 5. Golds also teaches:

As shown in FIG. 4 of the drawings, securement member 20 is helically arranged at a second angle .beta. which is non-congruent to said first angle .theta.. This design construction allows the prosthesis to be thin-walled, compliant, and more flexible, because it provides structural integrity using less covering in the form of securement member 20. When securement member 20 is angled at a different angle (as compared to angle .theta. between the stent

windings and axis) to longitudinal axis 22, it allows the securement of the stent to the graft using less material than previously used in prostheses of this type. More specifically, the angular arrangement of the securement member allows a thin securement member, which allows for a more flexible, and thinner composite prosthesis. Both angle .theta. and angle .beta. may equal any value from 0.degree. to 180.degree. with respect to longitudinal axis 22.

Golds thus appears to teach the securement member 20 as a thin tape-like structure, and teaches that such structure provides specific advantages.

MPEP 2131 states that, in order to anticipate a claim, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim.' *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." Applicants submit that one of ordinary skill in the art would not interpret the securement member 20 of Golds as having the identical structure of the claimed tube. Further, because Golds teaches specific advantages provided by the thin tape-like securement member 20, one of ordinary skill in the art would not be motivated to modify the structure of the securement member 20 of Golds to achieve the claimed structure. Golds thus fails to teach or suggest each and every element of independent claims 1, 9, 17, and 25. Because they are dependent on claims 1, 9, 17 and 25 and because they recite additional patentably distinct elements, Applicants also assert that claims 2-8, 10-16, 18-24 and 26-33 are allowable over Golds.

Rejection under 35 U.S.C. § 103(a)

Claims 4, 7, 12, 15, 20, 23, 28, 31, and 33 are rejected as being unpatentable over Golds. For at least the reasons set forth above, Golds does not appear to teach or suggest each and every element of independent claims 1, 9, 17, and 25, from which claims 4, 7, 12, 15, 20, 23, 28, 31, and 33 depend. Further, there is no motivation for one of ordinary skill in the art to modify the structure of Golds to achieve the claimed structure.

Application No. 10/656,630
Amendment dated SEPTEMBER 4, 2007
Reply to Office Action dated June 4, 2007

Conclusion

Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

DAVID J. PARINS

By his attorney,

Date: Sept. 4, 2007



J. Scot Wickhem, Reg. No. 41,376
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349